

SATURDAY, February 14, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Meusebach presented the petition of Thos. H. O. S. Addicks, administrator of the estate of Abraham Kuhne; referred to the committee on Public Lands.

Mr. Taylor made the following report :

SENATE CHAMBER, February 14, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate :

Your committee on Private Land Claims have examined a bill for the relief of John Watson and J. J. Hennesse, assignee of Peter A. Duel, and are of opinion that Mr. Watson is entitled to the land provided by the bill. The case of Hennesse we submit, with the facts, for the consideration of the Senate. On the 23d day of February, 1838, the county court of San Augustine county issued to Mr. Hennesse, as assignee of Peter A. Duel, a certificate for one league and one labor of land, which certificate was rejected by the travelling board of land commissioners. Hon. John A. Greer stated before the committee, that suit had been commenced in this case, before the 1st of July, 1851, and is now pending in the District Court of San Augustine county—having not yet been decided, for the reason that the attendance of the witnesses, who reside in Leon and Houston counties, could not be procured, up to this time ; and it is further in proof, that one of the witnesses has lately demised. With these facts, the case is submitted.

M. D. K. TAYLOR, Chairman.

Mr. Duggan made the following report :

The committee on Enrolled bills have examined the following :

An act for the relief of Elijah Emberson and Samuel E. Doss ;

An act supplementary to an act to define the time of holding the District Courts in the several districts therein named, approved February, 1852 ; and

An act to incorporate the Aransas Road Company.

All of which are correctly enrolled, and were on this day submitted, by me, to the Governor for his approval.

Respectfully,

T. H. DUGGAN, Chairman.

Mr. Grimes, chairman of the committee on Finance, reported back to the Senate a bill providing for the sale of one million of bonds of the United States, being a part of the indemnity received

for the sale of a portion of the north-western territory of the State of Texas, and recommending its passage.

Mr. Grimes, from the same committee, made the following report:

The committee on Finance, to whom was referred a bill making an appropriation for the payment of the third class debt, have given to the subject such examination as the limited time allowed them for its investigation would allow. We learn that the committee on the Public Debt, in the House, made an examination into each and every claim, and rejected many for want of sufficient evidence; and that all those provided for in the bill, were sustained by undoubted proofs of their justness. It is from our confidence in the investigations of that committee, mainly, that we base our report, having had no time to examine the vouchers for ourselves. These claims are for personal services and for supplies furnished the army, and your committee are of opinion should be paid without delay.

Your committee submit an amendment, providing for the payment of seventeen other individuals holding claims of a like nature, amounting to \$1,149 69, of claims that were filed previous to the first day of September last; and have been examined and reported by the Auditor and acting Comptroller in a subsequent report, and have been examined and certified by the committee on the Public Debt, of the House. From these evidences, and not from our own investigations—not having had time, from the near approach of the adjournment, to examine the subject, we report the bill, and recommend it to the favorable consideration of the Senate.

On motion of Mr. Grimes, the rule requiring reports to lay on the table one day was suspended, and report taken up, and amendment offered by the committee adopted.

Mr. Dancy offered the following amendment:

Add "For James Howley, forty-five dollars for three beeves sold to the army in 1842." Rejected, and bill passed to a third reading.

On motion of Mr. Hart, the rule was suspended by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Doane, Duggan, Eddy, Ford, Gray, Grimes, Hart, Hill, Merriman, Meusebach, Parker, Scott, Sterne, Taylor, Truit, Williams and Wilson—21.

NAY—Mr. Dancy—1.

Bill read third time and passed.

Mr. Eddy, from the committee on Engrossed Bills, reported a bill to determine what lands are forfeited correctly engrossed.

A message was received from the House, informing the Senate that the House had passed a bill supplementary to an act to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county, approved February, 1850, with amendments.

ORDERS OF THE DAY.

A bill for the relief of Elizabeth Jones ; read first time, and on motion of Mr. Bogart, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

A bill for the relief of the heirs of William Caldwell, sen'r, deceased ; read first time, and on motion of Parker, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

Mr. Bigelow offered the following resolution :

Resolved, That each officer of the Senate be, and is hereby allowed one dollar per day, during the present session of the Legislature, over and above the amount named and appropriated in the general appropriation bill, to be paid out of the contingent fund.

On motion of Mr. Bigelow, the rule was suspended, and the resolution adopted by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Doane, Ford, Gray, Merriman, Meusebach, Parker, Sterne and Williams—11.

NAYS—Messrs. Armstrong, Burks, Dancy, Duggan, Grimes, Hill, Taylor and Truit—8.

Mr. Bogart, chairman of the committee on Counties and County Boundaries, made the following report :

The committee on Counties and County Boundaries beg leave, herewith, to return sundry petitions referred to them, and ask to be discharged from the further consideration of the same.

SAM. BOGART, Chairman.

A message was received from the House, informing the Senate that the House had passed a bill supplementary to an act for the liquidation and payment of the public debt, and joint resolution instructing our Senators and requesting our Representatives to procure, by the United States, the running and establishing of

the boundary lines between the State of Texas and the territories of the United States.

A bill to determine what lands have been forfeited ; read third time.

Mr. Sterne offered the following amendment :

Strike out "one league and labor," wherever it occurs, and insert "320 acres."

Mr. Gray offered the following amendment :

In 5th section, second and third line from bottom, strike out "located or surveyed," and insert "granted or patented." Adopted, and bill passed.

The Senate concurred in the amendments of the House, to a bill supplementary to an act to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county, approved 5th February, 1850.

A bill to incorporate the Galveston Dry Dock Company ; read first time, and on motion of Mr. Merriman, the rule was further suspended, bill read third time and passed.

A bill to incorporate the El Paso and Frontier Turnpike Company, in the county of El Paso ; read first time, and on motion of Mr. Doane, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Doane, the rule was further suspended, bill read third time, and passed by a constitutional majority.

A bill for the relief of Eldridge Mallard, Alfred Franklin Mallard, James Jefferson Mallard, and Henry Benjamin Cole ; read first time, and on motion of Mr. Parker, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time, and rejected by the following vote :

YEAS—Messrs. Kinney, Meusebach, Parker, Sterne and Truit—5.

NAYS—Messrs. Armstrong, Bigelow, Bogart, Dancy, Davis, Doane, Duggan, Eddy, Ford, Gray, Grimes, Hart, Hill, Merriman, Taylor and Williams—16.

On motion of Mr. Hill, the vote just taken was re-considered.

Mr. Hill offered the following amendment :

Strike out all after the word "located," in second section, and insert "as other colony certificates." Adopted, and bill passed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Doane, Ford, Gray, Grimes, Hill, Kinney, Meusebach, Parker, Sterne, Truit, Williams and Wilson—14.

NAYS—Messrs. Armstrong, Dancy, Davis, Duggan, Eddy, Hart, Merriman, Scott and Taylor—9.

A bill authorizing the issuance of patents to settlers in Castro's colony, whose claims may have been located in two surveys; read second time and passed to a third reading.

On motion of Mr. Meusebach, the rule was suspended, bill read third time and passed.

A bill to make an appropriation to pay A. H. Stafford for capturing an escaped convict, and carrying him to the penitentiary, together with the report of the committee on Finance, offering an amendment thereto, was read, and on motion of Mr. Taylor, the report was laid on the table, and bill read and passed to a third reading.

On motion of Mr. Merriman, the rule was suspended, bill read third time and passed.

Joint resolution relating to frontier protection; read second time and ordered to be engrossed.

On motion of Mr. Meusebach, the rule was suspended, joint resolution read third time and passed.

On motion of Mr. Parker, the rule requiring reports to lay on the table one day was suspended, and the report of the committee on Private Land Claims, on a bill for the relief of John J. Watson and J. J. Hennesse, assignee of Peter A. Duel, was taken up; and on motion of Mr. Scott, the report was laid on the table, and bill taken up and amended, by striking out the words "and J. J. Hennesse, assignee of Peter A. Duel." The bill then passed to a third reading.

On motion of Mr. Parker, the rule was suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Davis, Doane, Ford, Gray, Grimes, Hill, Kinney, Parker, Scott, Sterne, Truit and Wilson—14.

NAYS—Messrs. Dancy, Duggan, Eddy and Taylor—4.

Joint resolution to authorize the Comptroller to settle the accounts of all attorneys, other than District Attorneys and Attorney-General, who have, by direction of law or engagement of the government, performed services for the State or Republic of Texas; read, and on motion of Mr. Grimes, laid on the table.

A bill to authorize the county court of Comal county to levy and collect a special tax, for county purposes; read second time, and on motion of Mr. Meusebach, laid on the table.

A bill supplementary to an act to regulate proceedings in the county courts relating to guardians and wards, approved March 20, 1848; read, and on motion of Mr. Duggan, laid on the table.

A bill to provide a suitable office for the State Department ; read first time, and on motion of Mr. Gray, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Taylor, the rule was further suspended, bill read third time and passed.

A bill to incorporate the Trinity College ; read and laid on the table.

A bill making an appropriation to pay F. Giraud for a plan and estimates of cost of a State capitol ; read second time.

Mr Ford offered a substitute for the bill ; adopted.

Mr. Sterne offered to amend, by inserting " Mr. Settergast " ; rejected.

Mr. Davis moved to fill the blank with \$100.

Mr. Meusebach, moved to fill the blank with \$350 ; lost.

The motion made by Mr. Davis, to fill the blank with one hundred dollars, was carried.

Mr. Sterne offered to amend the resolution, by inserting the name of Mr. Settergast, and allow him \$75 ; lost.

Mr. Meusebach offered to amend by inserting Mr. Settergast, and allow him fifty dollars ; rejected.

The resolution was then adopted.

Joint resolution instructing our Senators and requesting our Representatives in Congress to procure the running and establishing the boundary lines between the State of Texas and the territories of the United States ; read first time, and on motion, the rule was suspended, read second time, and on motion of Mr. Duggan, laid on the table.

Mr. Duggan made the following report :

The committee on Enrolled bills have examined the following :

An act granting further time to Adolphus Glavecke, former assessor and collector of Cameron county, under certain conditions ;

An act to incorporate the Vicksburg and El Paso Railroad Company ;

An act to incorporate the city of Corpus Christi ;

An act for the relief of the heirs of Joseph Stewart, deceased ;

An act to establish and incorporate the Gonzales college ;

An act donating a league of land to the widow and orphans of Major Wm. S. Henry, deceased.

All of which are correctly enrolled, and were on this day submitted to the Governor for his approval.

A message was received from the House, informing the Senate that the House had adopted the report of the committee of Con-

ference on a bill to apportion the Senators and Representatives of the Legislature, &c. ; also,

That the House had concurred in the amendment of the Senate, to a bill making an appropriation for the payment of the third class debt.

On motion of Mr. Kinney, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Gray, chairman of the committee on the Judiciary, to which was referred a bill to carry into effect the judgment of the District Courts, in the suits instituted by Empresarios and decided in their favor, reported the same back for the action of the Senate.

Mr. Eddy made the following report :

The committee on Printing and Contingent Expenses have examined and approved the following accounts for printing :

Cushney & Hampton, January 10, 1852,	\$140 25
De Cordova & Co., for	60 75
Cushney & Hampton, account to date,	221 50
De Cordova & Co., for printing 500 copies of the report of the Comptroller,	193 33
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	\$615 83

All of which is respectfully submitted.

Z. W^{MS}. EDDY,

Chairman of Contingent Committee of the Senate.

A bill providing for the sale of one million of the bonds of the United States, being a part of the indemnity received for the sale of a portion of the north-western territory of the State of Texas ; read.

Mr. Merriman moved to amend by inserting, after the word "value," "and interest due thereon at the time of sale." Adopted.

Mr. Hill offered the following amendment :

Strike out all in the first section, after the word "place," in 13th line. Adopted by the following vote :

YEAS—Messrs. Bigelow, Bogart, Dancy, Doane, Duggan, Grimes, Hill, Merriman, Meusebach, Parker, Sterne, Taylor, Truit and Williams—14.

NAYS—Messrs. Davis, Eddy, Gray, Hart and Scott—5.

Mr. Dancy offered the following amendment :

"Provided, that bids may be received and accepted, in sums not exceeding the amount of one hundred thousand dollars of the bonds." Adopted.

Mr. Scott offered the following amendment: "or so much thereof as they may think proper." Adopted.

Mr. Dancy moved to lay the bill on the table; lost by the following vote:

YEAS—Messrs. Bogart, Dancy and Duggan—3.

NAYS—Messrs. Bigelow, Davis, Doane, Ford, Gray, Grimes, Hill, Merriman, Meusebach, Parker, Scott, Sterne, Taylor, Truit and Williams—15.

Mr. Gray offered the following amendment, to come in at the end of the caption: "with amendments by the Senate which benefit speculators by killing the bill, if the House do not concur." Rejected.

Mr. Bigelow offered the following amendment, at the end of first section: "and should no sales be made in accordance with the provisions of this act, the Comptroller shall be authorized to sell said bonds in the city of Austin, in such lots as may be desired, at the highest prices to be obtained; provided no sale shall be made of said bonds at less than three per cent. premium, with the interest computed and added thereto." Adopted, by the following vote:

YEAS—Messrs. Bigelow, Dancy, Davis, Doane, Ford, Grimes, Kinney, Merriman, Meusebach, Parker, Scott, Sterne, Taylor and Truit—14.

NAYS—Messrs. Eddy, Gray, Hart, Hill and Williams—5.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Bigelow, Davis, Doane, Eddy, Ford, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Scott, Taylor, Truit and Williams—16.

NAYS—Messrs. Dancy and Hart—2.

On motion of Mr. Gray, the rule was suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Bigelow, Davis, Doane, Eddy, Ford, Gray, Grimes, Hill, Kinney, Merriman, Parker, Taylor, Truit, Williams and Wilson—15.

NAYS—Messrs. Armstrong, Burks, Dancy and Hart—4.

On motion of Mr. Armstrong, joint resolution instructing our Senators and requesting our Representatives in Congress to procure, by the United States, the running and establishing of the boundary lines between the State of Texas and the territories of the United States, was taken up.

Mr. Doane offered the following amendment:

"Sec 2. That the Governor of this State is hereby authorized to appoint a commissioner, to act in conjunction with such com-

missioners as shall be appointed by the United States, to run said boundary lines, whenever such commissioners are appointed by the United States." Adopted and bill passed to a third reading.

On motion of Mr. Doane, the rule was suspended, resolution read third time and passed.

On motion of Mr. Meusebach, a bill to authorize the county court of Comal county to levy and collect a special tax for county purposes, was taken up and ordered to be engrossed.

On motion of Mr. Meusebach, the rule was suspended, bill read third time and passed.

On motion of Mr. Williams, Mr. Gray was added to the committee on Enrolled Bills.

A message was received from the House, informing the Senate that the House concurred in the amendments of the Senate to the following bills, to wit:

A bill concerning the head-right claims to land of Elias M. Eubanks and Elias N. Eubanks, of Nacogdoches county;

A bill for the benefit of Jackson H. Griffin;

A bill for the relief of James S. Ridgeway;

Also, that the House had adopted the substitute of the Senate for a bill to make valid the record of certain marriage licenses.

Mr. Gray, chairman of the committee on the Judiciary, made the following reports:

The committee on the Judiciary have considered a bill for the relief of the heirs of W. C. Hendricks; and deeming it inexpedient to open the District Court for a single case, under the title of a relief bill, and as it is too late to pass a law in any other form, recommend that it be laid on the table. Report adopted.

Mr. Gray, chairman of the committee on the Judiciary, to whom was referred a bill concerning juries, reported the same back and recommended its passage, with the following amendments:

1. In section 4, line 5, strike out "State," and insert "county."
2. Strike out the proviso in same section.
3. In section 5, line 2, strike out the words "State and."
4. In same section, 6th line, strike out all after the word "up."

A bill supplementary to an act for the liquidation and payment of the public debt; read first time, and on motion of Mr. Bogart, the rule was suspended, bill read second time and passed to a third reading.

On motion, the rule was further suspended, bill read third time and passed.

Mr. Eddy offered the following resolution:

Resolved, That the President of the Senate be, and he is hereby authorized and requested to appoint some competent and care-

ful person to take charge of the senate chamber and the furniture thereof, during the recess of the Legislature; for which service the person employed shall be entitled to receive the sum of fifty dollars as compensation, to be paid out of the contingent fund of the Legislature.

Mr. Eddy also offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to have the portrait of General Edward Burleson, now in the senate chamber, placed in the General Land Office, until the meeting of the next session of the Legislature.

On motion of Mr. Gray, Mr. Ford was added to the committee on Enrolled Bills.

On motion of Mr. Davis, the Senate adjourned until 7 o'clock p. m. 7 O'CLOCK P. M.

Senate met—roll called—quorum present.

A bill supplementary to an act for the relief of the citizens of Mercer's colony, of date February 2, 1850; read second time.

Mr. Hart offered the following amendment:

Strike out "25th October, 1848," and insert "January 29, 1849." Adopted.

Mr. Hart moved to strike out the following proviso:

"Provided, not more than twenty certificates shall be proven up." Lost.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Bigelow, Bogart, Doane, Ford, Gray, Hart, Hill, Meusebach, Parker, Scott and Truit—11.

NAYS—Messrs. Armstrong, Dancy, Davis, Eddy, Grimes, Sterne, Williams and Wilson—8.

On motion of Mr. Gray, the rule was suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Doane, Ford, Gray, Hart, Hill, Meusebach, Parker, Truit and Wilson—11.

NAYS—Messrs. Armstrong, Dancy, Davis, Eddy, Grimes, Scott, Taylor and Williams—8.

On motion of Mr. Gray, the rule requiring reports to lay on the table one day was suspended, and a bill concerning juries, together with the report of the committee on the Judiciary, offering amendments thereto, was taken up, amendments adopted, and bill passed to a third reading.

On motion of Mr. Taylor, the rule was suspended, bill read third time and passed.

Mr. Gray, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined, and find the following bill correctly enrolled, viz:

An act supplementary to an act granting certain powers to the corporation of Galveston city, approved December 8th, A. D. 1851, which has been signed by the President of the Senate and Speaker of the House, and was this day presented to the Governor for his approval.

On motion of Mr. Hill, the vote which passed a bill for the relief of John Watson, was re-considered.

On motion of Mr. Wilson, the vote which passed the bill to a third reading was re-considered.

Mr. Eddy moved to re-consider the vote which adopted the amendment striking out the words "J. J. Hennessie, assignee of Peter A. Duel." Carried.

The question was then taken on striking out "and J. J. Hennessie, assignee of Peter A. Duel," and carried.

The bill was then passed to a third reading.

On motion of Mr. Parker, the rule was suspended, bill read third time and passed.

On motion of Mr. Gray, the rule requiring reports to lay on the table one day, was suspended, and the report of the committee on the Judiciary on a bill to carry into effect the judgment of the District Court, in the suits instituted by Empresarios and decided in their favor, was taken up, and on motion of Mr. Armstrong, the bill was laid on the table.

On motion of Mr. Taylor, the rule requiring resolutions to lay on the table one day was suspended, and the resolution of the Senate authorizing the President to appoint some competent and careful person to take charge of the senate chamber and furniture thereof, during the recess of the Legislature, &c., was taken up and read.

Mr. Wilson offered the following amendment:

Before "Legislature," insert "next," and add "provided that the furniture of the Senate shall be found in good condition when returned to the charge of the President." Adopted, and resolution, as amended, adopted.

On motion of Mr. Taylor, the rule requiring resolutions to lay on the table one day was suspended, and the resolution of the Senate authorizing the Secretary of the Senate to have the portrait of General Edward Burleson, now in the senate chamber, placed in the General Land Office, until the meeting of the next session of the Legislature, was taken up, read, and adopted.

On motion of Mr. Eddy, the journal of to-day was read and approved.

On motion of Mr. Hart, the Senate adjourned until Monday morning 10 o'clock.